


UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case **21-CA-305794** Date Filed **10-21-2022**

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Europa Auto Imports, Inc., d/b/a Mercedes-Benz of San Diego	b. Tel. No. (858) 223-4000 c. Cell No. f. Fax No.	
d. Address (Street, city, state, and ZIP code) 4750 Kearny Mesa Road San Diego, CA 92111	e. Employer Representative (b) (6), (b) (7)(C) g. e-Mail (b) (6), (b) (7)(C) @penskeautomotive.com h. Number of workers employed 14	
i. Type of Establishment (factory, mine, wholesaler, etc.) Automobile Dealership	j. Identify principal product or service Automobile Sales & Service	
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce with the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past six months the Employer threatened an employee with discipline in response to (b) (6) protected concerted activity		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Association of Machinists and Aerospace Workers Local Lodge No. 1484, District Lodge 190		
4a. Address (Street and number, city, state, and ZIP code) 1261 N. Avalon Blvd. Wilmington, CA 90744	4b. Tel. No. (310) 835-6688 4c. Cell No. 4d. Fax No. (310) 835-8715 4e. e-Mail kkucera@me.com	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Association of Machinists and Aerospace Workers, AFL-CIO		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) David W. M. Fujimoto, Attorney (Print/type name and title or office, if any) Address: Weinberg, Roger & Rosenfeld 800 Wilshire Boulevard, Suite 1020 Los Angeles, CA 90017 10/21/2022 (date)		Tel. No. (213) 380-2344 Office, if any, Cell No. (510) 227-0188 Fax No. (213) 443-5098 e-Mail NLRBnotices@unioncounsel.net DFujimoto@unioncounsel.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

From: [Seidman, Nathan M](#)
To: [Estudillo, Mara](#)
Cc: [Carretero, Aide](#); [Rimbach, Thomas](#); [Cahn, Stephanie](#)
Subject: FW: Online Charge/Petition Inquiry # 1-3221303551 - CA
Date: Monday, October 24, 2022 5:00:03 PM

This charge is assigned to Thomas/Stephanie.

From: e-service@nlrb.gov <NLRB@public.govdelivery.com>
Sent: Friday, October 21, 2022 4:58 PM
To: DG-EFileChgPet-LAS21 <dgecpb21@nlrb.gov>
Subject: FW: Online Charge/Petition Inquiry # 1-3221303551 - CA

CAUTION: The sender of this message is external to the NLRB network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to nlrbirc@nlrb.gov.

This is to notify you that a new CHG Document(s) has been received by your office 21 for Inquiry # **1-3221303551**, Case Type : CA.

You can access the document(s) filed by clicking on the link(s) in the Attachments section.

Date Submitted:	Friday, October 21, 2022 4:47 PM Pacific Standard Time
Dispute/Unit Location:	San Diego, CA
Regional, Sub-Regional Or Resident Office:	21
Employer:	Europa Auto Imports, Inc., d/b/a Mercedes-Benz of San Diego
Case Type:	CA
Inquiry Number:	1-3221303551
Filing Party:	Charge
Name:	Fujimoto, David
Email:	dfujimoto@unioncounsel.net
Address:	800 Wilshire Boulevard Suite 1020 Los Angeles, CA 90017
Telephone:	(213) 380-2344
Fax:	(213) 443-5098
Attachments:	CHG : CHG.1-3221303551.ULP Charge - Mercedes Benz of San Diego with Cover letter.pdf



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
US Court House, Spring Street
312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Agency Website: www.nlrb.gov
Telephone: (213)894-5200
Fax: (213)894-2778



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October 24, 2022

Kevin Kucera, Business Representative
International Association of Machinists
and Aerospace Workers Local Lodge
No. 1484, District Lodge 190, AFL-CIO
1261 N. Avalon Blvd.
Wilmington, CA 90744

Re: Europa Auto Imports, Inc., d/b/a Mercedes-
Benz of San Diego
Case 21-CA-305794

Dear Mr. Kucera:

The charge that you filed in this case on October 21, 2022, has been docketed as case number 21-CA-305794. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Board Agent THOMAS RIMBACH whose telephone number is (213)634-6411. If this Board agent is not available, you may contact Supervisory Attorney STEPHANIE CAHN whose telephone number is (213)634-6501.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

October 24, 2022

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

October 24, 2022

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W.B. Cowen', with a long horizontal flourish extending to the right.

William B. Cowen
Regional Director

Enclosure: Copy of Charge

cc: David W. M. Fujimoto, Attorney at Law
Weinberg, Roger & Rosenfeld
800 Wilshire Boulevard, Suite 1020
Los Angeles, CA 90017

WBC.hta



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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US Court House, Spring Street
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Fax: (213)894-2778



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October 24, 2022

Europa Auto Imports, Inc., d/b/a
Mercedes-Benz of San Diego
4750 Kearny Mesa Road
San Diego, CA 92111-2405

Re: Europa Auto Imports, Inc., d/b/a Mercedes-
Benz of San Diego
Case 21-CA-305794

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough

to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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* * *

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



William B. Cowen
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

WBC.hta

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 21-CA-305794
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
--	--

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:	7B. BRANCH LOCATIONS:
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8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:	B. AT THE ADDRESS INVOLVED IN THIS MATTER:
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9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
------	-------	----------------	-------------

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**EUROPA AUTO IMPORTS, INC., D/B/A
MERCEDES-BENZ OF SAN DIEGO**

Charged Party

and

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS
LOCAL LODGE NO. 1484, DISTRICT LODGE 190,
AFL-CIO**

Charging Party

Case 21-CA-305794

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on **October 24, 2022**, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Europa Auto Imports, Inc., d/b/a
Mercedes-Benz of San Diego
4750 Kearny Mesa Road
San Diego, CA 92111-2405

Kevin Kucera, Business Representative
International Association of Machinists
and Aerospace Workers Local Lodge
No. 1484, District Lodge 190, AFL-CIO
1261 N. Avalon Blvd.
Wilmington, CA 90744

David W. M. Fujimoto, Attorney at Law
Weinberg, Roger & Rosenfeld
800 Wilshire Boulevard, Suite 1020
Los Angeles, CA 90017

October 24, 2022

Date

Helen T. Alo, Designated Agent of NLRB

Name

Helen T. Alo

Signature

[illegible]

From: [Rimbach, Thomas](#)
To: [Cahn, Stephanie](#)
Subject: FW: (b) (6), (b) (7)(C), (b) (7)(D) witness affidavit at (b) (6), on (b) (6), (b) (7)(C) /2022 -- Mercedes-Benz (21-CA-305794)
Date: Monday, (b) (6), (b) (7)(C), (b) (7)(D) 2022 5:24:00 PM
Attachments: [Email from Fujimoto with summary of allegations - Mercedes \(10-25-2022\).pdf](#)

Hi Stephanie – The witness in this case (just one has been offered by the Union), (b) (6), (b) (7)(C), (b) (7)(D), is available (b) (6), (b) (7)(C) in order to provide an affidavit at a rescheduled time. (b) (6) told me that (b) (6), (b) (7)(C) by Zoom videoconference. (b) (6) contact info is:

(b) (6), (b) (7)(C), (b) (7)(D)

I attached to this email a summary of the allegations that was emailed to me by the Union's counsel who filed the charge.

Everything has been uploaded to NxGen for this case.

Thanks!

Thomas

From: Rimbach, Thomas
Sent: Monday, (b) (6), (b) (7)(C), (b) (7)(D) 2022 2:22 PM
To: (b) (6), (b) (7)(C), (b) (7)(D)
Cc: Cahn, Stephanie <Stephanie.Cahn@nrlb.gov>
Subject: RE: (b) (6), (b) (7)(C), (b) (7)(D) witness affidavit at (b) (6), on (b) (6), (b) (7)(C) /2022 -- Mercedes-Benz (21-CA-305794)

Dear (b) (6), (b) (7)(C), (b) (7)(D) – Thank you for speaking with me by phone. As we discussed, I am not able to meet with you (b) (6), (b) (7)(C) due to a conflict, unfortunately, and my office will work to reschedule a time to meet with you next week.

I have copied my supervisor, Stephanie Cahn, on this email, and we will be in touch regarding rescheduling your affidavit for next week. I will be out of the office from Thanksgiving to January 3, 2023, so please feel free to contact Ms. Cahn at stephanie.cahn@nrlb.gov or 213-641-6501 in my absence during that time.

As we also discussed, please email me copies of any emails or other documents related to your allegations by today.

Best regards,

Thomas

Thomas Rimbach, Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., 10th Floor
Los Angeles, CA 90012
Phone: 213-634-6411
Fax: 213-894-2778

From: Rimbach, Thomas
Sent: Tuesday, November 1, 2022 3:08 PM
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: (b) (6), (b) (7)(C), (b) (7)(D) witness affidavit at (b) (6), on (b) (6), (b) (7)(C)/2022 -- Mercedes-Benz (21-CA-305794)

Dear (b) (6), (b) (7)(C), (b) (7)(D)

This is to confirm our meeting at (b) (6), on (b) (6), (b) (7)(C)/2022 by Zoom videoconference.

A separate email will be sent to you with the Zoom meeting invitation. As we discussed, please send me copies of any relevant emails related to the allegations about the complaints or issues you raised about the booker or your co-worker and any related threats of discipline, or any other related documents.

Please let me know if you have any questions.

Best regards,
Thomas

Thomas Rimbach, Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., 10th Floor
Los Angeles, CA 90012
Phone: 213-634-6411
Fax: 213-894-2778

For more information on the NLRB, visit: <https://www.nlr.gov> or call 213-894-5254 to speak with an information officer.

Para mayor información sobre la Junta Nacional de Relaciones del Trabajo en español, visite <https://www.nlr.gov/es> o llame al 213-894-5254 para hablar con un oficial de información.

Parties must electronically file (E-File) case documents here: <https://www.nlr.gov/cases-decisions/filing>

For written instructions on E-Filing, see: <http://apps.nlr.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>

For Frequently Asked Questions on F-Filing, see:

<https://apps.nlr.gov/myAccount/#/FileCaseDocuments/FAQ>

If you require additional assistance with E-Filing, please e-mail: E-File@nlrb.gov

Rimbach, Thomas

From: David Fujimoto <dfujimoto@unioncounsel.net>
Sent: Tuesday, October 25, 2022 5:51 PM
To: Rimbach, Thomas
Subject: Re: Presenting evidence and scheduling witness affidavits - Mercedes-Benz of San Diego (21-CA-305794)

CAUTION: The sender of this message is external to the NLRB network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to [nlrbirc@nrlb.gov](mailto:nlrbc@nrlb.gov)<<mailto:nlrbc@nrlb.gov>>.

Thomas, the summary is:

1. Auto technicians, after performing repairs, submit repair order and documentation to a booker 2. Several months ago, maybe end of last year, ER got rid of non unit booker and started going through a contractor/vendor in FL.
3. 3d party vendor wasn't doing their job correctly, causing shortages on how much technicians got credit for, negatively impacting their compensation, which is based in part in their productivity. Less credit = less productivity = less pay.
4. (b) (6), (b) (7)(C) not shop steward, but (b) (6), (b) (7)(C), complained to (b) (6), (b) (7)(C) about the issue multiple times. (b) (6), (b) (7)(C) also directly contacted the 3d party booker about the multiple issues. At different times up through (b) (6), (b) (7)(C) of this year, (b) (6), (b) (7)(C) threatened (b) (6), (b) (7)(C) with discipline for continuing to raise the booker issues, which (b) (6), (b) (7)(C) was doing on behalf of (b) (6), (b) (7)(C) and coworkers 5. (b) (6), (b) (7)(C) also became aware of (b) (6), (b) (7)(C) who was involved in a vehicle repair that resulted in a customer vehicle being ruined. The company dealt with the issue somewhat unofficially in a way that led (b) (6), (b) (7)(C) to feel like the company had leverage over (b) (6), (b) (7)(C) went to (b) (6), (b) (7)(C) about it because (b) (6), (b) (7)(C) felt the customer was wronged and didn't want the company to be able to hold anything over (b) (6), (b) (7)(C) went to (b) (6), (b) (7)(C) about the issue on behalf of the coworker (b) (6), (b) (7)(C) seeking to try to find a way to address it openly. (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) to stop spreading rumors and raising issues (b) (6), (b) (7)(C) didn't have hard evidence for and threatened (b) (6), (b) (7)(C) with discipline if (b) (6), (b) (7)(C) were to keep raising that issue. By spreading rumors, (b) (6), (b) (7)(C) was referring to (b) (6), (b) (7)(C) communication about the coworker's concerns and the underlying event involving the coworker.

Sent from my iPhone

On Oct 25, 2022, at 5:36 PM, Rimbach, Thomas <Thomas.Rimbach@nrlb.gov> wrote:

Dear Mr. Fujimoto,

I left you a voicemail message today and am following up by email.

Could you please call me regarding the unfair labor practice charge you filed against Mercedes Benz of San Diego with the NLRB to discuss the allegations and to schedule any necessary witness affidavits?

I can be reached at 213-634-6411.

Please note that all evidence, including witness affidavits and documentary evidence, should be presented by no later than Tuesday, 11/8/2022. Failure to submit evidence in a timely manner will result in a recommendation that the case be dismissed due to lack of cooperation.

Please let me know if you have any questions.

Best regards,
Thomas

Thomas Rimbach, Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., 10th Floor
Los Angeles, CA 90012
Phone: 213-634-6411
Fax: 213-894-2778

For more information on the NLRB, visit:

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nlr.gov%2F&data=05%7C01%7CThomas.Rimbach%40nlrb.gov%7C42a9e0b758724e48e04908dab6ec38ad%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C638023422951561269%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=6clgZfk1Mk1UUXuwombVpLdt3JnmBHHMnt0sf%2Btbv3w%3D&reserved=0> or call 213-894-5254 to speak with an information officer.

Para mayor información sobre la Junta Nacional de Relaciones del Trabajo en español, visite

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nlr.gov%2Fes&data=05%7C01%7CThomas.Rimbach%40nlrb.gov%7C42a9e0b758724e48e04908dab6ec38ad%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C638023422951561269%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=OcfUzFWd48gcadorAXStkm6elK3KOnirqd%2FKqDcgdiE%3D&reserved=0> o llame al 213-894-5254 para hablar con un oficial de información.

Parties must electronically file (E-File) case documents here:

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nlr.gov%2Fcases-decisions%2Ffiling&data=05%7C01%7CThomas.Rimbach%40nlrb.gov%7C42a9e0b758724e48e04908dab6ec38ad%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C638023422951561269%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=PYgSNytD7iPZRfCc111RgDkWGGOgwfW4W9D5xZvWg%3D&reserved=0>

For written instructions on E-Filing, see:

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fapps.nlr.gov%2FmyAccount%2Fassets%2FE-Filing-System-User-Guide.pdf&data=05%7C01%7CThomas.Rimbach%40nlrb.gov%7C42a9e0b758724e48e04908dab6ec38ad%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C638023422951561269%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=BmP6xBF0%2FXnRQFfZz13jgzbi43KMyBYO4EKkaXymiEY%3D&reserved=0>

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fapps.nlr.gov%2FmyAccount%2Fassets%2FE-Filing-System-User-Guide.pdf&data=05%7C01%7CThomas.Rimbach%40nlrb.gov%7C42a9e0b758724e48e04908dab6ec38ad%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C638023422951561269%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=BmP6xBF0%2FXnRQFfZz13jgzbi43KMyBYO4EKkaXymiEY%3D&reserved=0>

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fapps.nlr.gov%2FmyAccount%2Fassets%2FE-Filing-System-User-Guide.pdf&data=05%7C01%7CThomas.Rimbach%40nlrb.gov%7C42a9e0b758724e48e04908dab6ec38ad%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C638023422951561269%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=BmP6xBF0%2FXnRQFfZz13jgzbi43KMyBYO4EKkaXymiEY%3D&reserved=0>

For Frequently Asked Questions on F-Filing, see:

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.nlr.gov%2FmyAccount%2F%23%2FFileCaseDocuments%2FFAQ&data=05%7C01%7CThomas.Rimbach%40nlrb.gov%7C42a9e0b758724e48e04908dab6ec38ad%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C638023422951561269%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=7t8OUEODhQzSfkHV%2FSd7wDafU%2F8Aw82nV93JGckh1yM%3D&reserved=0>

om/?url=https%3A%2F%2Fapps.nlr.gov%2FmyAccount%2F%23%2FFileCaseDocuments%2FFAQ&data=05%7C01%7CThomas.Rimbach%40nlrb.gov%7C42a9e0b758724e48e04908dab6ec38ad%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C638023422951561269%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=7t8OUEODhQzSfkHV%2FSd7wDafU%2F8Aw82nV93JGCh1yM%3D&reserved=0>

If you require additional assistance with E-Filing, please e-mail: E-File@nlrb.gov<mailto:E-File@nlrb.gov>

From: [Cahn, Stephanie](#)
To: [Rimbach, Thomas](#)
Subject: RE: Request for approval for Zoom affidavit -- Mercedes-Benz (21-CA-305794)
Date: Tuesday, November 1, 2022 6:35:36 PM

Zoom affidavit is approved.

From: Rimbach, Thomas <Thomas.Rimbach@nlrb.gov>
Sent: Tuesday, November 1, 2022 3:04 PM
To: Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>
Subject: Request for approval for Zoom affidavit -- Mercedes-Benz (21-CA-305794)

Hi Stephanie – I scheduled a Zoom affidavit with (b) (6), (b) (7) in the Mercedes-Benz case on (b) (6), 2022. The witness lives in (b) (6), (b) (7) this case was assigned to me in the Los Angeles office, and (b) (5), (b) (6), (b) (7)(C)

Could you please confirm that a Zoom affidavit is approved?

Thanks,
Thomas

Thomas Rimbach, Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., 10th Floor
Los Angeles, CA 90012
Phone: 213-634-6411
Fax: 213-894-2778

For more information on the NLRB, visit: <https://www.nlrb.gov> or call 213-894-5254 to speak with an information officer.

Para mayor información sobre la Junta Nacional de Relaciones del Trabajo en español, visite <https://www.nlrb.gov/es> o llame al 213-894-5254 para hablar con un oficial de información.

Parties must electronically file (E-File) case documents here: <https://www.nlrb.gov/cases-decisions/filing>

For written instructions on E-Filing, see: <http://apps.nlrb.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>

For Frequently Asked Questions on F-Filing, see:

<https://apps.nlrb.gov/myAccount/#/FileCaseDocuments/FAQ>

If you require additional assistance with E-Filing, please e-mail: E-File@nlrb.gov

From: (b) (6), (b) (7)(C)
To: Mercedes Thomas
Subject: Mercedes San Diego, (b) (6), emails
Date: Monday, November 21, 2022 9:08:47 PM
Attachments: image001.png
image003.png
image005.png
image007.png
image008.png

CAUTION: The sender of this message is external to the NLRB network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to nlrbirds@nlrb.gov

Sent from my iPhone

Begin forwarded message:

From: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>
Date: June 16, 2022 at 2:02:21 PM PDT
To: (b) (6), (b) (7)(C) <[REDACTED]>
Subject: PROBLEM WITH BOOKING

From: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>
Sent: Friday, October 22, 2021 9:06 AM
To: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>; (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>; (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>; (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>
Subject: RE: PROBLEM WITH BOOKING

(b) (6),

Please review previous RO. If test drive was documented please make sure we use that information for the new RO. If it was not make sure moving forward we document this information for cp RO's to avoid this type of problems.

Call me if there is pay involved in this situation.

(b) (6), (b) (7)(C)

Mercedes Benz Of San Diego

(b) (6), (b) (7)(C) (Direct)

(b) (6), [\[REDACTED\]@penskeautomotive.com](mailto:[REDACTED]@penskeautomotive.com)

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From: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>
Sent: Friday, October 22, 2021 8:57 AM
To: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>; (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>
Subject: Re: PROBLEM WITH BOOKING

image001.png

PREVIOUS R.O. WAS WEEKS AGO? HOW WOULD I GET MILEAGE FOR ROAD TEST OR TIME STAMPS? SEEMS LIKE A BOOKING JOB? THE CAR WAS CUSTOMER PAY LAST VISIT AND WENT WARRANTY THIS VISIT? WHO COORDINATES ALL OF THESE SPECIAL WARRANTY/BOOKING OPERATIONS? CURRENTLY I HAVE TO SINCE YOU ELIMINATED OUR BOOKING DEPARTMENT THAT IS A CHANGE FROM THE PAST 10 YEARS WORKING CONDITIONS

From: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>

Sent: Friday, October 22, 2021 8:43 AM

To: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>; (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>

Subject: Re: PROBLEM WITH BOOKING

image005.png

YEE, I HAVE 4 80 ON THE LINE BUT (b) (6), (b) (7)(C) SAYS I CANT GET PAID 4 6 BECAUSE I WOULD BE OVER EFFICIENT I DIDNT KNOW THE LABOR CODES WERE ZM IN THE FIRST PLACE BECAUSE THERE IS NO ONE TO ASK ABOUT BOOKING SECOND HOW IS GETTING PAID 4 6 OVER EFFICIENT WHEN THERE IS 4 8 TIME SPENT? PER LABOR ATTORNEY THIS IS AGAINST CA LAW TO KEEP ME FROM BEING ABLE TO RECONCILE MY PAY, NOT PAYING FOR WORK COMPLETED, NOT EXPLAINING RATE OF PAY OR WORK EXPECTED AND NOT PAYING FOR TIME SPENT PERFORM NON TECHNICAL TASK SUCH AS BOOKING TICKETS PLEASE REPLY WITH SOLUTIONS FOR ALL OF THE PROBLEMS LISTED OVER THE LAST ALMOST TWO WEEKS FOR THE GREIVANCE

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@penskeautomotive.com>
Sent: Wednesday, October 20, 2021 1:39 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@penskeautomotive.com>
Subject: RE: PROBLEM WITH BOOKING

Please keep sending these. This specific example is good meat for me to question them.

(b) (6), (b) (7)(C)
Mercedes-Benz of San Diego
(b) (6), (b) (7)(C) (Direct)
(b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@penskeautomotive.com>
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From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@penskeautomotive.com>
Sent: Wednesday, October 20, 2021 9:49 AM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@penskeautomotive.com>
Subject: Re: PROBLEM WITH BOOKING

image006.png



image007.png

CLOSED MONDAY ITS NOW WEDNESDAY AND A CARS CASE JUST OPENED? NO PAY ON MY FLAG SHEET FOR ANYTHING? YOU SAID 24HRS AND THE JOBS WOULD BE FLAGGED FIRST THEN WORKED THROUGH BOOKING? SHOULD I KEEP SENDING ALL OF THESE?

From: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>
Sent: Tuesday, October 19, 2021 3:44 PM
To: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>
Subject: Re: PROBLEM WITH BOOKING

PRINTOUTS TO PROVE THERE IS A WARRANTY BOOKING PROBLEM REQUESTED BY (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>
Sent: Tuesday, October 19, 2021 3:21 PM
To: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>; (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>
Subject: RE: PROBLEM WITH BOOKING

Hello (b) (6), (b) (7)(C)

Can you come to my office when you have a moment? I want to show you my follow with this matter so you can relay this to everybody who is concerned about management not doing something about it. As you know I try to move this as fast as possible but I am not alone in this process.

(b) (6), (b) (7)(C)

Mercedes-Benz of San Diego

(b) (6), (b) (7)(C) (Direct)

(b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>

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From: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>
Sent: Tuesday, October 19, 2021 3:16 PM
To: (b) (6), (b) (7)(C) <[REDACTED]@penskeautomotive.com>
Subject: Re: PROBLEM WITH BOOKING

HELLO (b) (6), (b) (7)(C)

I MUST HAVE MISSED WHEN YOU ASKED ME FOR PROOF OF THE PROBLEMS, I HAVE SEVERAL EXAMPLES AND CAN PROVIDE THEM ANYTIME. I DIDN'T KNOW THERE WAS ANY QUESTION BOOKING WAS A PROBLEM AND THE FACT (b) (6), (b) (7)(C) REMOVED ALL BOOKERS FROM THE DEALERSHIP AND PROVIDE NO BOOKING OR WARRANTY SUPPORT TO THE TECHS. THEY ARE PHYSICAL PRINTOUTS SO I CAN'T EMAIL BUT CAN TAKE PICTURES AND INCLUDE THEM SO THERE ISN'T ANY CONFUSION. IN PREVIOUS MEETINGS I WAS TOLD BY YOU TECHS WOULD BE PAID FOR THE JOB AND THEN ANY WARRANTY OR BOOKING PROBLEMS WOULD BE SORTED OUT AFTER THE FACT. THAT HAPPENED FOR A SHORT TIME THEN WENT BACK TO NOT BEING PAID. IS (b) (6), (b) (7)(C) AWARE OF THE FACT (b) (6), (b) (7)(C) IS TO PAY US UP FRONT THEN DEAL WITH BOOKING PROBLEMS AFTER? I HAD THIS HAPPEN FRIDAY AND AGAIN YESTERDAY? TELLING ME SOMETHING WILL HAPPEN AND THEN NOT FOLLOWING UP AND THEN ACTING LIKE YOU NEVER HEARD OF THE PROBLEM BEFORE. IS WHY I'M TAKING THIS ONGOING CONCERN THE GRIEVANCE ROUTE. I SPENT OVER 2 HOURS ON FRIDAY TRYING TO GET PAID AFTER YOU TOLD ME THIS WOULD NO LONGER BE A PROBLEM? YOU ARE RIGHT THERE ARE MANY PEOPLE INVOLVED BUT NO ONE THAT DOES BOOKING AT THE DEALER OR ANYONE THAT CAN ANSWER QUESTIONS ABOUT BOOKING OR ANYONE THAT PROVIDES FEEDBACK ON WARRANTY BOOKING POLICY? DID AWWN PROVIDE SOLUTIONS TO ALL OF THESE PROBLEMS?

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Tuesday, October 19, 2021 2:47 PM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>
Subject: RE: PROBLEM WITH BOOKING

Hello (b) (6),

I requested AWN to get with me on this. They responded but I want to have a meeting with them to clarify the booking process on their end. You are right about the meeting with (b) (6), but also I didn't receive any of the samples you have so I am just basing my conversation with Awn on the response time from when the tech finishes a job and the time they are spending to book the ticket.

This is a process improvement that needs to be addressed while management is working on it. We will pre-flag the right amount of hours to our techs if something like this happens again. I understand that you want an immediate answer that satisfies your concern. The fact that multiple people are involved in this process is not allowing me to give an answer as fast as you are expecting it.

Have a good rest of your day.

(b) (6), (b) (7)

Mercedes-Benz of San Diego

(b) (6), (b) (7)(C) (Direct)

(b) (6), (b) (7)(C) @penskeautomotive.com

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From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Tuesday, October 19, 2021 2:30 PM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>
Subject: Re: PROBLEM WITH BOOKING

HELLO (b) (6)

I would like to get these booking problems resolved, do you have any follow-up on how to solve all of the problems mentioned? I continue to have unanswered booking questions, tickets not being booked within 24 hours, etc. I got with (b) (6), (b) (7) and agree nothing was resolved in your meeting with (b) (6). It's been 5 days. Thank you (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Monday, October 18, 2021 12:14 PM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>
Subject: RE: PROBLEM WITH BOOKING

Hello (b) (6),

I read your email. I will get back to you with answers soon. I am working with Awn on something.

Have a good week.

(b) (6), (b) (7)

Mercedes-Benz of San Diego

(b) (6), (b) (7)(C) (Direct)

(b) (6), (b) (7)(C) @penskeautomotive.com

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From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Monday, October 18, 2021 8:26 AM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>
Subject: Re: PROBLEM WITH BOOKING

(b) (6)

I appreciate you trying to get Awn to book the jobs faster. More importantly, the techs need access to the booking department for information. I have several examples recently of ROS where I wasn't paid, or Awn had a problem with the warranty repair because of warranty policy that techs have no way of knowing. In the past, we could contact the booking department and ask a question about how a job was paid or what way to flag with time stamps, or what information was expected and on an on. Currently, we have no access to anyone (b) (6), (b) (7)(C) doesn't know what (b) (6), (b) (7)(C) wants, we can't contact (b) (6), (b) (7)(C). When I get a third party to contact (b) (6), (b) (7)(C), it isn't helpful, and it's not just for me. Other (b) (6), (b) (7)(C) as well. I need an actual plan on how booking is going to be made to operate properly. I need exact plans.

*How long it should take to book a job before I take action

*Who to contact about specific warranty booking guidelines (not team leader)

*I need specific explanation of what is needed in cars case (3 CS is not specific)

*How tech gets paid for time spent working around no bookers

*How techs are going to be informed of changes and guidelines for warranty

I was told by you jobs would be paid first and then discussions with techs would happen after if needed for booking problems. We have gone back to not getting paid and (b) (6), (b) (7)(C) has very little reason why. You and I discussed this problem a month ago along with parts delays, drive staffing problems, techs being overworked and more. This is not the first time I have brought this up recently.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) @penskeautomotive.com>

Sent: Friday, October 15, 2021 1:57 PM

To: (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>

Cc: (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>

(b) (6), (b) (7)(C) @penskeautomotive.com>

Subject: RE: PROBLEM WITH BOOKING

(b) (6),

In order to complete the process, I am asking (b) (6) to close the circle. I understand there is a delay between the tech execution and the booking. If we need to pre-flag, we will in order to do the right thing.

I am here to take care of the company and my team's interests, not to go against them. I appreciate the fact that you let me know about it. I am meeting with (b) (6) today to formally request what is required within a reasonable amount of time for Awn to react.

I am not putting this on (b) (6). I am asking (b) (6) to make sure (b) (6)'s side is completed to avoid pre-flagging if possible.

(b) (6), (b) (7)

Mercedes-Benz of San Diego

(b) (6), (b) (7)(C) (Direct)
(b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
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From: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Sent: Friday, October 15, 2021 12:32 PM
To: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Cc: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Subject: RE: PROBLEM WITH BOOKING

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), AND I AM TRYING TO WORK THROUGH WHAT (b) (6), (b) (7)(C) WANTS TO BOOK THE TICKET. EACH TIME WE SUBMIT SOMETHING (b) (6), (b) (7)(C) HAS A NEW MADE UP RULE ABOUT WHY THAT WON'T WORK? THIS IS WHY WE NEED SOMEONE IN BOOKING WHO TECHS CAN ACTUALLY COMMUNICATE WITH AND FIGURE OUT HOW (b) (6), (b) (7)(C) WANTS THESE JOBS STORIED, OPCODED, TIME PUNCHES ETC.. I SHOULD BE GETTING PAID 17.1 HOURS FOR THE JOB AND IT NEEDS TO BE ON THIS PAYCHECK. (b) (6), (b) (7)(C) HAS SPENT TOO MUCH TIME ALREADY TRYING TO DO BOOKINGS JOB. LET (b) (6), (b) (7)(C) DO WHATEVER (b) (6), (b) (7)(C) WANTS BUT THE TECHS/TEAM LEADERS CAN'T BE EXPECTED TO FIGURE OUT (b) (6), (b) (7)(C)'S LAST MINUTE PROBLEMS.

From: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Sent: Friday, October 15, 2021 11:26 AM
To: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Cc: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Subject: RE: PROBLEM WITH BOOKING

(b) (6), (b) (7)(C)

On you end everything is done?

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Mercedes Benz Of San Diego
(b) (6), (b) (7)(C) (Direct)
(b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
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From: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Sent: Friday, October 15, 2021 10:42 AM
To: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Cc: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Subject: RE: PROBLEM WITH BOOKING

MY BACK AND BRAIN HURT FROM THIS PLACE ILL BE LEAVING AS SOON AS I GET THIS CAR DONE

From: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Sent: Friday, October 15, 2021 10:38 AM
To: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Cc: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Subject: RE: PROBLEM WITH BOOKING

At what time are you leaving today?

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Mercedes Benz Of San Diego
(b) (6), (b) (7)(C) (Direct)
(b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Visit our dealership website for information on our privacy policy

From: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Sent: Friday, October 15, 2021 10:38 AM
To: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Cc: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Subject: RE: PROBLEM WITH BOOKING

I came in early today because I need to leave at 5pm on the dot. I can do it anytime before that.

Sent from [Mail](#) for Windows

From: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Sent: Friday, October 15, 2021 10:36 AM
To: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Cc: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Subject: RE: PROBLEM WITH BOOKING

Can you do 5 to 5:30?

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Mercedes Benz Of San Diego
(b) (6), (b) (7)(C) (Direct)
(b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
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From: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Sent: Friday, October 15, 2021 10:35 AM
To: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Cc: (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>; (b) (6), (b) (7)(C) < [@penskeautomotive.com](mailto: @penskeautomotive.com)>
Subject: RE: PROBLEM WITH BOOKING

Ok when do you want to get together?

Sent from Mail for Windows

From: (b) (6), (b) (7)(C)
Sent: Friday, October 15, 2021 10:32 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: PROBLEM WITH BOOKING

Hello (b) (6),

I am reviewing.

(b) (6), (b) (7)(C)

I would like to fix this issue asap before it becomes a bigger concern. Since (b) (6), (b) (7)(C) is already having all these examples can we get together to review the evidence? Lets get ahead of this asap.

(b) (6), (b) (7)(C)

Mercedes-Benz Of San Diego

(b) (6), (b) (7)(C) (Direct)

(b) (6), (b) (7)(C) @penskeautomotive.com

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From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Friday, October 15, 2021 10:25 AM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>
Subject: PROBLEM WITH BOOKING

(b) (6), (b) (7)(C) I CLOSED OUT A LARGE JOB ON MONDAY AND (b) (6), (b) (7)(C) WAITED UNTIL FRIDAY TO BOOK THE JOB. NOW (b) (6), (b) (7)(C) HAS PROBLEMS WITH THE R.O. AND WE ARE IN A LAST MINUTE EFFORT TO FIGURE IT OUT. ITS A 17 HOUR JOB THAT SHOULD HAVE BEEN BOOKED DAYS AGO. PLEASE GET BACK TO ME, MAYBE WE NEED MORE BOOKING HELP? THERE IS NO BOOKER IN THE DEALERSHIP WE CAN CONTACT FOR HELP, THE ONE PERSON WE HAVE (b) (6), (b) (7)(C) IS NOT AVAILABLE TO TECHS? THIS IS AN ONGOING CONCERN. PLEASE REPLY WITHIN 24 HOURS WITH PLAN TO RESOLVE, IF NOT ILL GET WITH (b) (6), (b) (7)(C) FOR RESOLUTION AND FILE GRIEVANCE. I HAVE MANY EXAMPLES AND EMAILS OF THE ONGING PROBLEMS.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Friday, October 15, 2021 10:04 AM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>
Subject: RE: R.O. (b) (6), (b) (7)(C) LABOR

There is an open WSG case for ZM time authorization. The time will be added once (b) (6), (b) (7)(C) approves it.

(b) (6), (b) (7)(C)

Mercedes-Benz of San Diego

Direct (b) (6), (b) (7)(C)

Cellphone (b) (6), (b) (7)(C)

Fax 858 279 3150

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Friday, October 15, 2021 10:02 AM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>
Subject: R.O. (b) (6), (b) (7)(C) LABOR

I CLOSED JOB1 OUT ON MONDAY AND THE HOURS (17:10) ARE NOT ON MY FLAG SHEET, JUST WANTED TO KNOW IF THIS HAS BEEN BOOKED AND I CANT SEE THE HOURS OR IF IT STILL NEEDS TO BE BOKED BEFORE THE END OF THE WEEK?

THANK YOU



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E-Commerce Department
2555 Telegraph Road, Bloomfield Hills, MI 48302.

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RO #: (b) (6), (b) (7)(C)
Mercedes-Benz of San Diego



(b) (6), (b) (7)(C)


(b) (6), (b) (7)(C)

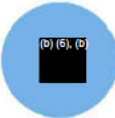
Attention Service Technician; To pay/claim for test drive for diagnosis, please update 3Cs to include in and out time and in and out miles. Times stated must be supported by separate time punch to comply. Thank you.

Attention Service Manager, Shop Foreman and/or Group Lead; Seeking approved times for ZM labor operations as shown in attachment. Please review and advise. Thank you.
**Tech was paid 1.0 hr internal diag time on last RO, please advise if this time is to go back to the house as part of this RO.

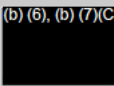
Oct. 22, 2021, 6:40 a.m.

RO #: (b) (6), (b) (7)(C)
Mercedes-Benz of San Diego




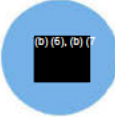


(b) (6), (b) (7)(C)
Hello (b) (6), (b) (7)(C)
Tech does not have enough punch time to cover the time authorized. Because there is a working ZM, the line cannot be over efficient to be compliant. Will you please confirm this was the intention and instruct to proceed? Or update ZMs within compliance please. Thanks!
Oct. 22, 2021, 5 a.m.



(b) (6), (b) (7)(C)
1.5hrs
3.1hrs
Oct. 21, 2021, 12:27 p.m.





(b) (6), (b) (7)(C)
May I please get an update on this outstanding compliance? Thank you!
Oct. 21, 2021, 7:45 a.m.

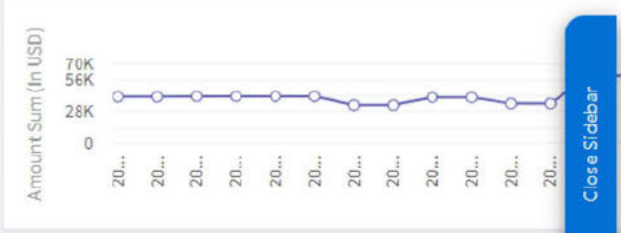
(b) (6), (b) (7)(C) Flagged Hours


Search Criteria
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Date (b) /21 (b) /21
Results Found - 1 Search (F5) Clear

Technicians					
Tech	Name	Today's Hours	Today's Straight H...	Total Hours	Total Straight Hours
(b) (6), (b) (7)(C)		3.20		18.90	1.30
Grand Totals					
		3.20		18.90	1.30



Detail Flagged Hours						
RO#	Job	Date	Today's Hours	Today's Straight H...	Total Hours	Total Straight Hours
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	2021			0.00	
		2021			0.00	
		2021			0.10	
		2021			0.00	
		2021			0.00	
		2021			0.70	
		2021			0.00	
		2021			0.50	
		2021			0.00	
		2021			0.00	
		2021				1.30
		2021			0.00	
		2021			0.00	
		2021				
		2021			0.00	
		2021			0.00	
		2021			0.00	
		2021			0.00	
		2021			0.00	
		2021			0.00	
		2021			0.00	
		2021			1.00	
		2021			0.00	
		2021			2.50	
		2021			0.00	
		2021			3.80	
		2021			0.00	
		2021			2.50	


Flagged Time (F6) Close



 Open (2) \$883.00 Value Closed Questions (0)


Search:

Status	2X	Ro#	Line#	Date
	0	(b) (6), (b) (7)(C)		10/20
	0			10/15

(b) /2021, 4:51:39 AM RO# (b) (6), (b) (7)(C) 

*Charts display data for either Advisor or Tech who is assigned to this compliance based on the compliance code.


Open related issue... (b) (6), (b) (7)(C)



30 Day related issues for: (b) (6), (b) (7)(C)




Top 3 related issue... (b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

Attention Service Manager, Shop Foreman and/or Group Lead; Seeking approved times for ZM labor operations as shown in attachment. Please review and advise. Thank you.

 (b) /2021, 4:51:39 AM

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(b) (6), (b) (7)(C) [REDACTED]
Mercedes Benz Of San Diego
(b) (6), (b) (7)(C) (Direct)
(b) (6), @penskeautomotive.com
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From: (b) (6), (b) (7)(C) <@penskeautomotive.com>
Sent: Friday, October 22, 2021 1:34 PM
To: (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>
Subject: RE: PAY ON WARRANTY JOBS

WE DID A COMAND UPDATE AND AN M.E. SOFTWARE UPDATE? NOT SURE WHAT PARTS BUT LET ME KNOW.
THANKS

From: (b) (6), (b) (7)(C) <@penskeautomotive.com>
Sent: Friday, October 22, 2021 1:33 PM
To: (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>
Subject: RE: PAY ON WARRANTY JOBS

(b) (6)

Can you please address your part?

(b) (6), (b) (7)(C)

Mercedes Benz Of San Diego

(b) (6), (b) (7)(C) (Direct)

(b) (6), (b) (7)(C) <@penskeautomotive.com>

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From: (b) (6), (b) (7)(C) <@penskeautomotive.com>
Sent: Friday, October 22, 2021 1:33 PM
To: (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>; (b) (6), (b) (7)(C) <@penskeautomotive.com>
Subject: RE: PAY ON WARRANTY JOBS

(b) (6), (b) (7)(C) the car case is still open (b) (6), (b) (7)(C) responded to the case today @ 8:35am).
(b) (6), (b) (7)(C) vehicle got completed today @ 12:06pm (warranty parts still need to be clear)

Thank you

(b) (6), (b) (7)(C)

Mercedes Benz Of San Diego

(b) (6), (b) (7)(C) (Direct)

(b) (6), (b) (7)(C) <@penskeautomotive.com>

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Sent from Mail for Windows 10

From: (b) (6), (b) (7)(C) <@penskeautomotive.com>
Sent: Friday, October 22, 2021 1:27 PM
To: (b) (6), (b) (7)(C) <@penskeautomotive.com>
Subject: RE: PAY ON WARRANTY JOBS

Hello (b) (6)

Can you please check the status of the hours in the two RO's (b) (6) listed below?

(b) (6), (b) (7)(C)

Mercedes Benz Of San Diego

(b) (6), (b) (7)(C) (Direct)

(b) (6), (b) (7)(C) <@penskeautomotive.com>

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From: (b) (6), (b) (7)(C) <@penskeautomotive.com>
Sent: Friday, October 22, 2021 1:08 PM
To: (b) (6), (b) (7)(C) <@penskeautomotive.com>
Subject: PAY ON WARRANTY JOBS

(b) (6)
R.O. (b) (6), (b) (7)(C) SHOULD BE PAID 4.6 HOURS ITS NOT ON MY FLAG SHEET CLOSED OUT A COUPLE DAYS AGO HAD CARS CASE ETC.
R.O. (b) (6), (b) (7)(C) SHOULD BE PAID 3.3 HOURS JUST CLOSED OUT TODAY

2

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Tech#	Date	Department	RO#	Operation Code	Start Time	Finish Time	Tech Name	Reason	Actual Time	Booked Time	ST	Rate	Extended	Job	Bill Type
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	.00	.00	(b) (6), (b) (7)(C)			4.80		44.000	211.20	(b) (6)	Warranty
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	.00	.00	(b) (6), (b) (7)(C)	FIN	.00	.10		44.000	4.40	(b) (6)	Customer
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	.00	.00	(b) (6), (b) (7)(C)	FLT	.00	.70		44.000	30.80	(b) (6)	Internal

(b) (6), (b) (7)(C)	2021	(b) (6), (b) (7)(C)		.00	.00	(b) (6), (b) (7)(C)			3.00	44.000	132.00	(b) (6), (b) (7)(C)	Warranty
(b) (6), (b) (7)(C)	2021	(b) (6), (b) (7)(C)		.00	.00	(b) (6), (b) (7)(C)	FIN	.00	.10	44.000	4.40	(b) (6), (b) (7)(C)	Internal
(b) (6), (b) (7)(C)	2021	(b) (6), (b) (7)(C)		.00	.00	(b) (6), (b) (7)(C)	FIN	.00		44.000	.00	(b) (6), (b) (7)(C)	Customer

(b) (6), (b) (7)(C)

Subject: RE: Fixed Ops Meeting.

(b) (6), (b) (7)(C)

These emails are disruptive to business and need to stop. Fixed op meetings are no surprise so I'm not sure why all the chatter now. The notice for this meeting was nearly 3 weeks ago. I appreciate the team work here but there is still a fixed ops meeting on Thursday to communicate important information. There will be no more communication by email from me on this matter. If anyone feels they need to communicate with me on this matter directly, please come to my office. Sorry to all those caught up in these emails.

(b) (6), (b) (7)(C)

Mercedes-Benz of San Diego

Office: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)@penskeautomotive.com

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From: (b) (6), (b) (7)(C)@penskeautomotive.com>

Sent: Tuesday, March 22, 2022 4:48 PM

To: (b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>

Cc: (b) (6), (b) (7)(C)@penskeautomotive.com>; Kevin Kucera <kkucera@me.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;
(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>;
(b) (6), (b) (7)(C)@penskeautomotive.com>

Subject: RE: Fixed Ops Meeting.

In the (b) (6) years I've been here I don't recall ever being told that Fixed ops meetings were mandatory by any of the (b) (6), (b) (7)(C). Then again maybe I missed that in all our prior emails that have been sent out throughout the years. Can someone please provide documentation where these meetings were made mandatory. Also meetings during our lunch break force us to modify our lunch break time. With or without food and pay the company is still dictating when we take our lunch.

Why did management feel the need to send out a reminder and switch the meeting to mandatory right before our meeting?

This has never been done in the past. The behavior is out of character. This can be proved with our email history regarding fixed ops meetings.

In addition all this hostility from management is really affecting my mental state and productivity.

Sent from [Mail](#) for Windows

From: (b) (6), (b) (7)(C)

Sent: Tuesday, March 22, 2022 4:22 PM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C) [Kevin Kucera](#); (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Subject: Re: Fixed Ops Meeting.

To be clear you are not attending shop meetings on your lunch hour even though we sometimes provide food. That's why we pay you for your time. You can take your lunch before or after the meeting. You would only see that time paid if you're above 100%.

Sent from my iPhone

On Mar 22, 2022, at 3:45 PM, (b) (6), (b) (7)(C)@penskeautomotive.com>
wrote:

You realize you are in clear violation of our contract. We will be filing a grievance on

(b) (6), (b) (7)(C)

initiated

including

department

business hours (8am-5pm Mon-Fri). Employees must be clocked out during such meetings.

Sent from [Mail](#) for Windows

From: (b) (6), (b) (7)(C) ____@penskeautomotive.com>

Sent: Tuesday, March 22, 2022 3:26:24 PM

To: (b) (6), (b) (7)(C) <[@penskeautomotive.com](mailto:(b) (6), (b) (7)(C)@penskeautomotive.com)>; (b) (6), (b) (7)(C) <[@penskeautomotive.com](mailto:(b) (6), (b) (7)(C)@penskeautomotive.com)>

Cc: (b) (6), (b) (7)(C) <____@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com> (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>: (b) (6) (b) (7)(C) @penskeautomotive.com>:

(b) (6), (b) (7)(C) @nenskeautomotive.com>: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @nenskeautomotive.com> (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @nenskeautomotive.com> (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com>: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @nenskeautomotive.com; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @penskeautomotive.com (b) (6), (b) (7)(C)

Subject: RE: Fixed Ops Meeting.

As discussed before, we are resuming normal business meetings that are essential to MBSD business operations. We will pay for time spent in the meetings as we always have. There is important information to be shared in these meetings. Attendance is mandatory like it always has been.

Mercedes-Benz of San Diego

Office: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C) @penskeautomotive.com

Visit our dealership website for information on our privacy policy.

[illegible]

From: (b) (6), (b) (7)(C)
To: [Rimbach, Thomas](#)
Subject: Fwd: Requesting pay for time spent working on booking problems Mbsd emails
Date: Monday, November 21, 2022 9:12:45 PM

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Sent from my iPhone

Begin forwarded message:

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Date: June 16, 2022 at 1:59:59 PM PDT
To: (b) (6), (b) (7)(C)
Subject: Requesting pay for time spent working on booking problems

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Friday, April 1, 2022 4:07 PM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>
Subject: RE: Requesting pay for time spent working on booking problems

(b) (6), (b) (7)(C)

I am reviewing this, I will have an answer for you no later that Tuesday.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Mercedes Benz Of San Diego

(b) (6), (b) (7)(C) (Direct)

(b) (6), (b) (7)(C) [@penskeautomotive.com](mailto:nlrbirc@nlrb.gov)

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From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Friday, April 1, 2022 9:53 AM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>

Subject: Requesting pay for time spent working on booking problems

(b) (6), (b) (7)(C) I have always reached over %160 proficiency to make my bonus. The month of march I only made (b) (6), (b) (7)(C) which misses all of my bonus. I spent large amounts of time trying to get paid, working with everyone trying to figure out the booking procedures. Multiple meetings, working on ideas, getting information from other techs, foreman and managers. I have lost a conservative (b) (6), (b) (7)(C) hours this month working on this and from being (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) who is upset with the changes we have made. I am requesting to be paid the missing time and it be retroactive to last month so I will make my bonus like I have every month for years. The time spent with all the managers on this subject was to help make the entire dealership more profitable. I have been told by the AWN team and the management here my jobs are not being booked properly because (b) (6), (b) (7)(C) for AWN is upset with me for being involved. Please get back to me soon, If you feel I should be reaching out to someone else please let me know asap so I can contact the correct person.

Thank You (b) (6), (b) (7)(C)

September 2021 (b) (6), (b) (7)(C)

October 2021 (b) (6), (b) (7)(C)

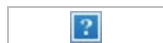
November 2021 (b) (6), (b) (7)(C)

December 2021 (b) (6), (b) (7)(C)

January 2022 (b) (6), (b) (7)(C)

February 2022 (b) (6), (b) (7)(C)

MARCH 2022 (b) (6), (b) (7)(C)



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E-Commerce Department
2555 Telegraph Road, Bloomfield Hills, MI 48302.

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From: (b) (6), (b) (7)(C)
To: [Rimbach, Thomas](#)
Subject: Fwd: New question comment for Mercedes-Benz of San Diego [RO: (b) (6), (b) (7)(C)]
Date: Monday, November 21, 2022 9:13:29 PM
Attachments: [image001.jpg](#)
[image001.jpg](#)

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Sent from my iPhone

Begin forwarded message:

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Date: June 16, 2022 at 1:59:50 PM PDT
To: (b) (6), (b) (7)(C)
Subject: Fw: New question comment for Mercedes-Benz of San Diego
[RO: (b) (6), (b) (7)(C)]

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Thursday, June 16, 2022 1:49 PM
To: (b) (6), (b) (7)(C)
Subject: Fw: New question comment for Mercedes-Benz of San Diego [RO: (b) (6), (b) (7)(C)]

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Monday, April 11, 2022 9:33 AM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>
(b) (6), (b) (7)(C) @penskeautomotive.com>
Cc: (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>
Subject: RE: New question comment for Mercedes-Benz of San Diego [RO: (b) (6), (b) (7)(C)]

(b) (6), (b) (7)(C)

I'm looking into this one directly with (b) (6), (b) (7)(C). Will get back to you.

(b) (6), (b) (7)(C)

Mercedes-Benz of San Diego

Office: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)@penskeautomotive.com

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From: (b) (6), (b) (7)(C)@penskeautomotive.com>

Sent: Monday, April 11, 2022 8:50 AM

To: (b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>

Cc: (b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>

Subject: Re: New question comment for Mercedes-Benz of San Diego [RO (b) (6), (b) (7)(C)]

(b) (6), (b) (7)(C) I checked with Mercedes and California BAR, both feel this story is correct. What would you and (b) (6), (b) (7)(C) like to see in addition to what I included? Is the problem with the diag. or repair portion?

BEGIN DIAG.2.20PM 3/25/22 stop diag 3.07 3/25/22. repair411 3/29 start 428stop go home 3/30 START 835 1105end TECH (b) (6) PERFORM DIAG., SHORT TEST GUIDED TEST, DETERMINE

THERMOSTAT FAILED REQUIRED REPLACEMENT. TECH (b) (6) REPLACED COOLANT THERMOSTAT PER WIS INSTRUCTIONS. ERASED FAULTS AND ROAD TEST AFTER REPAIR ENGINE IS OPERATING AS DESIGNED.

From: (b) (6), (b) (7)(C)@penskeautomotive.com>

Sent: Wednesday, April 6, 2022 3:21 PM

To: (b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>

Cc: (b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@penskeautomotive.com>; (b) (6), (b) (7)(C)@penskeautomotive.com>

Subject: RE: New question comment for Mercedes-Benz of San Diego [RO (b) (6), (b) (7)(C)]

Hello (b) (6), (b) (7)(C)

Please see the email below, we need to provide 3c's, the explanation in the stories need to be detailed for two reasons:

- 1.-To be compliant with the BAR
- 2.-To Clarify steps required in the repair and be able to explain the customers what we did to their vehicle.

I expect this notes to be thorough and clear, making reference to "the blue folder" or "repair done, crank shaft replaced" is not acceptable.

Disregarding what we prefer we need to be compliant with BAR. Also our advisor team need a good explanation for each repair so we all can deliver the right information to our customers.

(b) (6), (b) (7)(C)

Please let me know if you have any questions about it.

(b) (6), (b) (7)(C)

Mercedes Benz Of San Diego

(b) (6), (b) (7)(C) (Direct)

(b) (6), (b) (7)(C) [@penskeautomotive.com](mailto:(b) (6), (b) (7)(C)@penskeautomotive.com)

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From: (b) (6), (b) (7)(C) [@penskeautomotive.com](mailto:(b) (6), (b) (7)(C)@penskeautomotive.com)>

Sent: Tuesday, April 5, 2022 1:58 PM

To: (b) (6), (b) (7)(C) [@penskeautomotive.com](mailto:(b) (6), (b) (7)(C)@penskeautomotive.com)>

Subject: FW: New question comment for Mercedes-Benz of San Diego [RO: (b) (6), (b) (7)(C)]

From: cars@mail.awninc.com <cars@mail.awninc.com> **On Behalf Of** CARS 3

Sent: Tuesday, April 5, 2022 1:53 PM

To: (b) (6), (b) (7)(C) [@awninc.com](mailto:(b) (6), (b) (7)(C)@awninc.com); (b) (6), (b) (7)(C) [@awninc.com](mailto:(b) (6), (b) (7)(C)@awninc.com); (b) (6), (b) (7)(C) [@awninc.com](mailto:(b) (6), (b) (7)(C)@awninc.com); (b) (6), (b) (7)(C) [@penskeautomotive.com](mailto:(b) (6), (b) (7)(C)@penskeautomotive.com)>

Subject: New question comment for Mercedes-Benz of San Diego [RO: (b) (6), (b) (7)(C)]

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C.A.R.S.

New Question Comment

PLEASE RESPOND VIA CARS, NOT THIS EMAIL

New question comment for Mercedes-Benz of San Diego.

Entered by (b) (6), (b) (7)(C) on 04/05/2022 @ 02:52PM

RO# (b) (6), (b) (7)(C)

Hello (b) (6), (b) (7)(C)

Yes, the reason is (b) (6) did not provide 3Cs to support the additional labor operations. This is the same as the last question for this same (b) (6), (b) (7) If (b) (6) doesn't start putting the 3Cs back in the stories, I cannot flag for the additional labor operations per our management team. As of now, there has been no change to the process that I am aware of. Just because the labor operations are available in the folder, it does not mean that they apply to that specific vehicle.

Here is (b) (6) story...

BEGIN DIAG.2.20PM 3/25/22 stop diag 3.07 3/25/22. repair411 3/29 start 428stop go home 3/30 START 835 1105end TECH (b) (6), (b) (7) PERFORM DIAG., SHORT TEST GUIDED TEST, DETERMINE THERMOSTAT FAILED REQUIRED REPLACEMENT. TECH (b) (6), (b) (7) REPLACED COOLANT THERMOSTAT PER WIS INSTRUCTIONS. ERASED FAULTS AND ROAD TEST AFTER REPAIR ENGINE IS OPERATING AS DESIGNED.

Comment History

(b) (6), (b) (7)(C) (04/05/2022 @ 02:52PM)

Hello (b) (6), (b) (7)(C)

Yes, the reason is (b) (6) did not provide 3Cs to support the additional labor operations. This is the same as the last question for this same (b) (6), (b) (7) If (b) (6) doesn't start putting the 3Cs back in the stories, I cannot flag for the additional labor operations per our management team. As of now, there has been no change to the process that I am aware of. Just because the labor operations are available in the folder, it does not mean that they apply to that specific vehicle.

Here is (b) (6) story...

BEGIN DIAG.2.20PM 3/25/22 stop diag 3.07 3/25/22. repair411 3/29 start 428stop go home 3/30 START 835 1105end TECH (b) (6), (b) (7) PERFORM DIAG., SHORT TEST GUIDED TEST, DETERMINE THERMOSTAT FAILED REQUIRED REPLACEMENT. TECH (b) (6), (b) (7) REPLACED COOLANT THERMOSTAT PER WIS INSTRUCTIONS. ERASED FAULTS AND ROAD TEST AFTER REPAIR ENGINE IS OPERATING AS DESIGNED.

(b) (6), (b) (7)(C) (04/05/2022 @ 02:41PM)

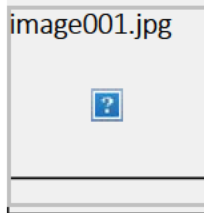
Hello (b) (6), (b) (7)(C) is there a reason none of the additional labor opcodes were applied to the replacement of thermostat repair? Looks like (b) (6), (b) (7)(C) was paid for the 54-1011, 07-0641 and 20-2470. See attached ASRA snip.
Thank you.

SENT TO: (b) (6), (b) (7)(C)

To respond, simply reply to this email. Please write your reply at the top of the email.



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From: (b) (6), (b) (7)(C)
To: Rimbach, Thomas
Subject: Fwd: FOLLOW UP FROM MEETING WITH (b) (6), (b) (7)(C)
Date: Monday, November 21, 2022 9:17:34 PM

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Sent from my iPhone

Begin forwarded message:

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Date: June 16, 2022 at 1:50:44 PM PDT
To: (b) (6), (b) (7)(C)
Subject: Fw: FOLLOW UP FROM MEETING WITH (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Wednesday, January 5, 2022 3:32 PM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>
Subject: FOLLOW UP FROM MEETING WITH (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Following up on our conversation we just had I will remind you that any proof of the accusations brought up by (b) (6), (b) (7)(C) or yourself need to be reported to management. Rumors and opinions are not something that is tangible a year later. I know you're threatening to take the company to the BAR and I would caution you not to do such without proof as I stated in our meeting. Opinions are not going to help this matter. Let's also understand there was a heated conflict between the accused and (b) (6), (b) (7)(C). The validity of any statement where sides may have been taken is subject to question the integrity which is when proof and facts are of most importance.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Mercedes-Benz of San Diego

Office: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)@penskeautomotive.com

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From: (b) (6), (b) (7)(C)

Sent: Wednesday, January 5, 2022 2:20 PM

To: (b) (6), (b) (7)(C)@penskeautomotive.com>

Subject: RE: FOLLOW UP FROM MEETING WITH (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

I have been trying to round this out with you, but you've been out. The part below stating that I don't want information is not accurate. I have a due diligence to investigate all claims which I did in this case. Reviewing something from a year before lends itself to several challenges but if you have any information that I need to know, then bring it to me so I can review it. See me now if you can.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Mercedes-Benz of San Diego

Office: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)@penskeautomotive.com

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From: (b) (6), (b) (7)(C)@penskeautomotive.com>

Sent: Wednesday, January 5, 2022 2:08 PM

To: (b) (6), (b) (7)(C)@penskeautomotive.com>

Subject: FOLLOW UP FROM MEETING WITH (b) (6), (b) (7)(C)

Hi,

(b) (6), (b) (7)(C) LET ME KNOW YOU HAD A MEETING WITH (b) (6), (b) (7)(C) AND YOU NEEDED TO FOLLOW UP WITH ME. I DIDNT HEAR ANYTHING THESE LAST COUPLE DAYS AND WANTED TO REACH OUT.

I WAS TOLD BEFORE THE HOLIDAYS THAT AN ENGINE WAS DAMAGED AWHILE BACK AND THEN (b) (6), (b) (7)(C) COVERED IT UP AND THE CUSTOMER WAS LEFT WITH NO VEHICLE IN ORDER TO COVER THE BILL WE GAVE THEM. I WASNT SURE HOW TO REPORT THE INFORMATION BUT I WAS TOLD ONE OF (b) (6), (b) (7)(C) INVOLVED CAME TO YOU AND THEN (b) (6), (b) (7)(C) WAS BROUGHT IN ALSO. (b) (6), (b) (7)(C) INFORMED ME YOU WERE NOT WANTING THE INFORMATION TO BE BROUGHT UP AND IF I DIDNT HAVE PROOF NOTHING WOULD BE DONE. I JUST WANT TO FOLLOW THE COMPANYS INTERNAL PROCESS

FOR REPORTING THE INCIDENT BEFORE I TAKE THE CONCERN OUTSIDE OF THE DEALERSHIP. PLEASE LET ME KNOW WHAT I NEED TO DO AND IF YOU WOULD LIKE TO SOMEHOW OFFICIALLY DOCUMENT MY CONCERN AND WHERE TO GO FROM HERE.

THANK YOU

(b) (6), (b) (7)(C)



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Penske Automotive Group
E-Commerce Department
2555 Telegraph Road, Bloomfield Hills, MI 48302.

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From: (b) (6), (b) (7)(C)
To: [Rimbach, Thomas](#)
Subject: Fwd: (b) (6), (b) (7)(C) NEEDS TO BE INFORMED
Date: Monday, November 21, 2022 9:18:32 PM

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Sent from my iPhone

Begin forwarded message:

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Date: June 16, 2022 at 1:49:57 PM PDT
To: (b) (6), (b) (7)(C)
Subject: Fw: (b) (6), (b) (7)(C) NEEDS TO BE INFORMED

From: (b) (6), (b) (7)(C) @penskeautomotive.com>
Sent: Thursday, March 17, 2022 3:54 PM
To: (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>
Cc: (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>
Subject: RE: (b) (6), (b) (7)(C) NEEDS TO BE INFORMED

However, the descriptions don't have to be as detailed. A basic summary to explain what actions were taken.

(b) (6), (b) (7)(C)

Mercedes-Benz of San Diego

Office: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C) @penskeautomotive.com

Visit our dealership website for information on our privacy policy.

From: (b) (6), (b) (7)(C) @penskeautomotive.com>

Sent: Thursday, March 17, 2022 9:52 AM

To: (b) (6), (b) (7)(C) @penskeautomotive.com>

Cc: (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @penskeautomotive.com>; (b) (6), (b) (7)(C) @penskeautomotive.com>;

(b) (6), (b) (7)(C) @penskeautomotive.com>

Subject: RE: (b) (6), (b) (7)(C) NEEDS TO BE INFORMED

Hello (b) (6), (b) (7)(C)

I understand your position however I just got confirmation from the BAR that in order to be compliant we need to properly document the three C's. We need to be compliant from all perspectives (MBUSA, BAR). Now that I received the information we can draft the new process that for sure will be better than before but the repair description still will be required.

We are very close to be able to make the appropriate changes, I will meet with our foremans to roll it out.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) @penskeautomotive.com>

Sent: Thursday, March 17, 2022 8:45 AM

To: (b) (6), (b) (7)(C) @penskeautomotive.com>

Cc: (b) (6), (b) (7)(C) @penskeautomotive.com>

Subject: (b) (6), (b) (7)(C) NEEDS TO BE INFORMED

PER MERCEDES WARRANTY INSTRUCTION ALL WE NEED TO WRITE IS CAMP. COMPLETED. NOTHING MORE. PLEASE ADVISE (b) (6), (b) (7)(C) THIS IS TIME WASTED BY TECHS AND TEAM LEADERS.

From: cars@mail.awninc.com <cars@mail.awninc.com> on behalf of (b) (6), (b) (7)(C) - CARS 3 <cars@awninc.com>

Sent: Wednesday, March 16, 2022 5:28 PM

To: (b) (6), (b) (7)(C) @penskeautomotive.com>

Subject: New compliance on RO # (b) (6), (b) (7)(C) line 1 for Mercedes-Benz of San Diego [COMPL (b) (6), (b) (7)(C)]

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This is preheader text. Some clients will show this text as a preview.



New Compliance Comment

New compliance on RO # (b) (6), (b) (7)(C) line 1 for Mercedes-Benz of San Diego.

Line: 1

Entered by: (b) (6), (b) (7)(C) on 03/16/2022 @ 06:28PM
Attention Service Technician; Inadequate cause and/or correction. Please update and advise when complete. Thank you. "CAMP. COMPLETED." is not sufficient. Please update with update performed or update not available.

SENT TO: (b) (6), (b) (7)(C)

To respond, simply reply to this email. Please write your reply at the top of the email.

You can visit the CARS dashboard [HERE](#) to respond to this entry, upload a document, or simply reply to this email with your response.



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Penske Automotive Group
E-Commerce Department
2555 Telegraph Road, Bloomfield Hills, MI 48302.

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From: [Carretero, Aide](#)
To: [Cahn, Stephanie](#)
Cc: [Rimbach, Thomas](#); [Kagel, Molly](#); [Estudillo, Mara](#)
Subject: RE: CHG.21-CA-305794-transfer case in NxGen
Date: Monday, November 21, 2022 6:07:51 PM

Case has been transferred to Molly.

From: Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>
Sent: Monday, November 21, 2022 2:32 PM
To: Carretero, Aide <Aide.Carretero@nlrb.gov>
Cc: Rimbach, Thomas <Thomas.Rimbach@nlrb.gov>; Kagel, Molly <Molly.Kagel@nlrb.gov>; Estudillo, Mara <Mara.Estudillo@nlrb.gov>
Subject: CHG.21-CA-305794-transfer case in NxGen

Please assign this case in NxGen to Molly. 21-CA-305794 Europa Auto Imports, Inc. Thank you!

From: [Kagel, Molly](#)
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: Mercedes-Benz (21-CA-305794)
Date: (b) (6), (b) (7)(C), (b) (7)(D) 2022 3:00:00 PM
Attachments: [image001.gif](#)
(b) (6), (b) (7)(C), (b) (7)(D) [affidavit 21-CA-305794.pdf](#)
(b) (6), (b) (7)(C), (b) (7)(D) [affidavit letter 21-CA-305794.pdf](#)

(b) (6), (b) (7)(C), (b) (7)(D)

Thank you for speaking with me this morning. Attached is your statement regarding the case in the above-captioned matter, rendered to me over videoconference which I have transcribed to the best of my ability as the attached "Confidential Witness Virtual Affidavit." I request that you initial any changes that you may make (including cross-outs and additions). Please also initial the bottom of each page of your statement to indicate that you have read that page, and sign and date the last page. If you would like to make any major revisions, please call or email me to set up a time to do so.

Please return your signed affidavit to me by (b) (6), (b) (7)(C), (b) (7)(D) 2022. You should return it by using the NLRB's E-Filing feature at www.nlrb.gov, by email at molly.kagel@nlrb.gov, or by fax at (213)894-2778. I've also attached a letter with instructions. Please keep your signed copy of the affidavit in a safe space where you can easily access it in the future. If you have any questions, please email me or contact me at number below in my signature.

Thank you,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nlrb.gov
www.nlrb.gov
My pronouns: she/her/hers



From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, November 22, 2022 4:59 PM
To: Kagel, Molly <Molly.Kagel@nlrb.gov>
Subject: Re: Mercedes-Benz (21-CA-305794)

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I can do (b) (6), (b) (7)(C) (b) (6), (b) (7)(D)

Thank you

Sent from my iPhone

On (b) (6), (b) (7)(C), (b) (6), (b) (7)(D) 2022, at 8:55 AM, Kagel, Molly <Molly.Kagel@nlrb.gov> wrote:

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I can do (b) (6), (b) (7)(C) (b) (6), (b) (7)(D) any time after 8:30 am. Let me know what time works for you and I will schedule a Zoom affidavit.

Thanks,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nlrb.gov
www.nlrb.gov

My pronouns: she/her/hers

image001.gif



From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, (b) (6), (b) (7)(C), (b) (7)(D) 2022 7:32 AM
To: Kagel, Molly <Molly.Kagel@nlrb.gov>
Subject: Re: Mercedes-Benz (21-CA-305794)

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Hello,

I'm going to be out of town (b) (6), (b) (7)(C) . I'm available anytime (b) (6), (b) (7)(C) though.

Thank you

(b) (6), (b) (7)(C), (b) (7)(D)

Sent from my iPhone

On (b) (6), (b) (7)(C), (b) (7)(D) 2022, at 2:40 PM, Kagel, Molly <Molly.Kagel@nrlb.gov> wrote:

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(b) (6), (b) (7)(C), (b) (7)(D)

Your case has been transferred to me for investigation as Mr. Rimbach will be out of the office. I understand that you had a Zoom affidavit scheduled (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) . Unfortunately, I am not available (b) (6), (b) (7)(C) at that time. I am available (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) between 8:30am and 2:00pm for an affidavit or we can schedule something next week. Please let me know what works best for you.

Thank you,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nrlb.gov
www.nrlb.gov

My pronouns: she/her/hers

image001.gif





UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
US Court House, Spring Street
312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Agency Website: www.nlr.gov
Telephone: (213)894-5200
Fax: (213)894-2778

Agent's Direct Dial: (213)634-6511

(b) (6), (b) (7)(C), (b) (7)(D) 2022

(b) (6), (b) (7)(C), (b) (7)(D)

Re: Europa Auto Imports, Inc., d/b/a Mercedes-Benz of San Diego
Case 21-CA-305794

(b) (6), (b) (7)(C), (b) (7)(D)

Attached is your statement regarding the case in the above-captioned matter, rendered to me by telephone/video-conference, which I have transcribed to the best of my ability as the attached "Confidential Witness Affidavit."

Please review this affidavit for its accuracy. I request that you initial any changes that you may make (including cross-outs and additions). Please also initial the bottom of each page of your statement to indicate that you have read that page, and sign and date the last page.

Upon completion of the foregoing, please promptly return your signed affidavit to me by (b) (6), (b) (7)(C), (b) (7)(D) 2022. You should return it by using the NLRB's E-Filing feature at www.nlr.gov. Please also submit any supporting documentation which you may have, if applicable.

If you are not able to sign the document or are unable to e-file your signed affidavit, please email the document to me at elvira.pereda@nlrb.gov and state in your email why you are unable to e-file the affidavit:

And, if you are unable to return a signed version of the affidavit, include the additional following statements in your email:

1. That you swear or affirm that the contents of the affidavit are true.
2. If the contents of the affidavit are not true, set forth the corrections, in detail, in your email.

Thank you very much for your anticipated cooperation. If you have any questions concerning this letter, please contact me at (213)634-6511.

Thank you,

MOLLY KAGEL
Field Attorney

From: [Kagel, Molly](#)
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: Mercedes-Benz (21-CA-305794)
Date: Friday, December 9, 2022 4:22:00 PM
Attachments: [image001.gif](#)

(b) (6), (b) (7)(C), (b) (7)(D)

Please send me your signed affidavit as soon as possible.

Thank you,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nrlb.gov
www.nrlb.gov
My pronouns: she/her/hers



From: Kagel, Molly
Sent: (b) (6), (b) (7)(C), (b) (7)(D) 2022 (b) (6), (b) (7)(C), (b) (7)(D)
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: Mercedes-Benz (21-CA-305794)

(b) (6), (b) (7)(C), (b) (7)(D)

Thank you for speaking with me this (b) (6), (b) (7)(C), (b) (7)(D) 2022. Attached is your statement regarding the case in the above-captioned matter, rendered to me over videoconference which I have transcribed to the best of my ability as the attached "Confidential Witness Virtual Affidavit." I request that you initial any changes that you may make (including cross-outs and additions). Please also initial the bottom of each page of your statement to indicate that you have read that page, and sign and date the last page. If you would like to make any major revisions, please call or email me to set up a time to do so.

Please return your signed affidavit to me by (b) (6), (b) (7)(C), (b) (7)(D) 2022. You should return it by using the NLRB's E-Filing feature at www.nrlb.gov, by email at molly.kagel@nrlb.gov, or by fax at (213)894-2778. I've also attached a letter with instructions. Please keep your signed copy of the affidavit in a safe space where you can easily access it in the future. If you have any questions, please email me or contact me at number below in my signature.

Thank you,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
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Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nrlb.gov
www.nrlb.gov
My pronouns: she/her/hers



From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, (b) (6), (b) (7)(C), (b) (7)(D) 2022 4:59 PM
To: Kagel, Molly <Molly.Kagel@nrlb.gov>
Subject: Re: Mercedes-Benz (21-CA-305794)

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I can do (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Thank you

Sent from my iPhone

On (b) (6), (b) (7)(C), (b) (7)(D) 2022, at 8:55 AM, Kagel, Molly <Molly.Kagel@nrlb.gov> wrote:

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I can do (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) any time after 8:30 am. Let me know what time works for

you and I will schedule a Zoom affidavit.

Thanks,

Molly Kagel
Field Attorney
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(213)634-6511 | Fax: (213)894-2778
molly.kagel@nlrb.gov
www.nlrb.gov

My pronouns: she/her/hers

image001.gif



From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, (b) (6), (b) (7)(C), (b) (7)(D) 2022 7:32 AM
To: Kagel, Molly <Molly.Kagel@nlrb.gov>
Subject: Re: Mercedes-Benz (21-CA-305794)

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Hello,

I'm going to be out of town (b) (6), (b) (7)(C). I'm available anytime (b) (6), (b) (7)(C) though.

Thank you

(b) (6), (b) (7)(C), (b) (7)(D)

Sent from my iPhone

On (b) (6), (b) (7)(C), (b) (7)(D) 2022, at 2:40 PM, Kagel, Molly <Molly.Kagel@nlrb.gov> wrote:

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Unclassified Information (CUI). National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

(b) (6), (b) (7)(C), (b) (7)(D)

Your case has been transferred to me for investigation as Mr. Rimbach will be out of the office. I understand that you had a Zoom affidavit scheduled (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C). Unfortunately, I am not available (b) (6), (b) (7)(C) at that time. I am available (b) (6), (b) (7)(C) between 8:30am and 2:00pm for an affidavit or we can schedule something next week. Please let me know what works best for you.

Thank you,

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molly.kagel@nrlrb.gov
www.nrlrb.gov
My pronouns: she/her/hers

image001.gif



From: [Kagel, Molly](#)
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: Mercedes-Benz (21-CA-305794)
Date: Tuesday, (b) (6), (b) (7)(C), (b) (7)(D) 2022 11:26:00 AM
Attachments: (b) (6), (b) (7)(C), (b) (7)(D) [affidavit 21-CA-305794 fully executed.pdf](#)
[image001.gif](#)

(b) (6), (b) (7)(C)

Here is the fully signed affidavit for your records. Thank you for sending it.

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nrlb.gov
www.nrlb.gov
My pronouns: she/her/hers



From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Monday, (b) (6), (b) (7)(C), (b) (7)(D) 2022 6:10 PM
To: Kagel, Molly <Molly.Kagel@nrlb.gov>
Subject: Re: Mercedes-Benz (21-CA-305794)

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I'm very sorry, I've had so much going on I totally forgot and was out of town.

Sent from my iPhone

On (b) (6), (b) (7)(C), (b) (7)(D) 2022, at 7:32 AM, (b) (6), (b) (7)(C), (b) (7)(D) wrote:

Hello,

I'm going to be out of town (b) (6), (b) (7)(C). I'm available anytime (b) (6), (b) (7)(C).

though.

Thank you

(b) (6), (b) (7)(C), (b) (7)(D)

Sent from my iPhone

On (b) (6), (b) (7)(C), (b) (7)(D) 2022, at 2:40 PM, Kagel, Molly <Molly.Kagel@nlrb.gov> wrote:

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(b) (6), (b) (7)(C), (b) (7)(D)

Your case has been transferred to me for investigation as Mr. Rimbach will be out of the office. I understand that you had a Zoom affidavit scheduled (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C). Unfortunately, I am not available (b) (6), (b) (7)(C) that time. I am available (b) (6), (b) (7)(C) between 8:30am and 2:00pm for an affidavit or we can schedule something next week. Please let me know what works best for you.

Thank you,

Molly Kagel
Field Attorney
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Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nlrb.gov
www.nlrb.gov
My pronouns: she/her/hers



From: [David Fujimoto](#)
To: [Kagel, Molly](#)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Europa Auto Imports, Inc., d/b/a Mercedes-Benz of San Diego 21-CA-305794
Date: Thursday, January 5, 2023 10:38:08 PM
Attachments: [image001.gif](#)

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Molly,

"[W]hether unit employees' knowledge is imputed to their bargaining representative for purposes of determining when the 10(b) limitations period commences depends on the factual context." *In Re Konig*, 318 NLRB 337, 339 (1995). Here, the Union's (b) (6), (b) (7)(C) was not accommodated by the Employer and was out of the shop at the time of the threat to (b) (6), (b) (7)(C). This made it less likely that information about the threat would get to the Union. Here, as in *Konig*, "[t]he Union's ability to monitor changes in wages and working conditions of any and all unit employees was hampered," albeit for different reasons than in *Konig*. And just as in *Konig*, here, the threat to (b) (6), (b) (7)(C) "was not subject to general observation." *Id.* at 339. "[T]he Union had no steward in the shop to police working conditions." *St. George Warehouse, Inc. & Merch. Drivers Loc. No. 641, Int'l Bhd. of Teamsters, Afl-Cio*, 341 NLRB 904, 905 (2004).

While (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C), (b) (6) was not a shop steward. (b) (6), (b) (7)(C), (b) (7)(D) (Affidavit at 2). (b) (6), (b) (7)(C), (b) (7)(D) (Affidavit at 8). *See Coreslab Structures (Tulsa) Inc. & Int'l Union of Operating Engineers, Loc. 627, Afl-Cio*, 372 NLRB No. 31 (Dec. 16, 2022) (steward had no knowledge of the legal repercussions of treating employees differently based on their membership in the Union, or of the interplay between federal law and right-to-work state laws) (citing *Ingram Book Co.*, 315 NLRB 515, 516 fn. 2 (1994) (observing that "employees do not generally carry lawbooks to work or apply legal analysis . . . as do lawyers")); *see also Minteq International, Inc.*, 364 NLRB No. 063 (Jul 29, 2016) (Union first learned of an 8(a)(5) and (1) violation two years after the event giving rise to the violation. The 10(b) period defense was not valid because the Union came to know about the violation two years later and promptly filed the charge. The Board affirmed the ALJ's decision who noted that the only employees who knew of the existence of the non-compete agreement (which violated the Act) were the employees who signed it but had no reason to know the significance of it in the context of the Act.).

This case is distinguished from cases finding an imputation of knowledge. *See e.g., Baytown Sun*, 255 NLRB 154, 160 (1981) (union steward's knowledge imputed to union for purposes of determining the charge was not timely filed under Sec. 10(b) where the steward in question was found to be more than a steward in that she was closely tied to the union, she was a member of the Union's

negotiating committee, and had attended all of the 25 or 30 negotiating sessions between the respondent and the union.). Those cases generally involve a steward who is closely tied to the union, actively involved in negotiating at the table. Those cases also involve unilateral changes, where an active steward involved in contract negotiations are more likely to raise issues of unilateral changes to the union because they are aware of the changes being bargained at the table.

While (b) (6), (b) (7)(C) has been (b) (6), (b) (7)(C), (b) (6) is not a shop steward. (b) (6), (b) (7)(C) was not accommodated by the Employer and kept out of the shop making it harder for information to get to the union. While (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C), that doesn't mean (b) (6) was aware of different theories of ULPs, such that (b) (6) would know that what happened to (b) (6), (b) (7)(C) was a ULP. In fact, it wasn't until (b) (6), (b) (7)(C) 2022 that the Union became aware of the conduct underlying this charge. And it only arose during the context of the Union investigating other charges. Under these circumstances, (b) (6), (b) (7)(C) knowledge would not be imputed to the Union.

Thanks,

David W. M. Fujimoto (he/him/his)
Weinberg, Roger & Rosenfeld
800 Wilshire Blvd., Ste. 1020
Los Angeles, CA 90017
(510) 227-0188 Mobile
(510) 337-1001 ext. 193 Office
(510) 337-1023 Fax

From: Kagel, Molly <Molly.Kagel@nrlb.gov>

Sent: Wednesday, January 4, 2023 7:27 AM

To: David Fujimoto <dfujimoto@unioncounsel.net>

Subject: RE: Europa Auto Imports, Inc., d/b/a Mercedes-Benz of San Diego 21-CA-305794

CAUTION: This email and any attachments may contain Controlled Unclassified Information (CUI). National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

David,

Thank you for your patience last week – I just returned to the office yesterday and have been catching up. Does the Union have a case that would support its argument that knowledge for 10(b) purposes should not be when the aggrieved employee received the alleged threat, but when the Union found out about the threat? Please get back to me by Friday, January 6th at noon.

Thanks,

Molly Kagel

Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nrlb.gov
www.nrlb.gov
My pronouns: she/her/hers



From: David Fujimoto <dfujimoto@unioncounsel.net>
Sent: Tuesday, December 27, 2022 12:45 PM
To: Kagel, Molly <Molly.Kagel@nrlb.gov>
Cc: Cahn, Stephanie <Stephanie.Cahn@nrlb.gov>; Kevin J. Kucera (kkucera@me.com) <kkucera@me.com>
Subject: RE: Europa Auto Imports, Inc., d/b/a Mercedes-Benz of San Diego 21-CA-305794

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Molly, I believe the Union did not discover the facts underlying the threat, as alleged by (b) (6), (b) (7)(C), until (b) (6), (b) (7)(C) 2022.

“A party will be charged with constructive knowledge of an unfair labor practice where it could have discovered the alleged misconduct through the exercise of reasonable diligence. Phoenix Transit System, 335 NLRB 1263 fn. 2 (2001) (applying Sec. 10(b) where a charging party was found to have been ‘on notice of facts that reasonably engendered suspicion that an unfair labor practice had occurred’). The burden of showing notice is on the party raising the affirmative defense of Section 10(b). Chinese American Planning Council, 307 NLRB 410 (1992), review denied mem. 990 F.2d 624 (2d Cir. 1993).” *Ohio & Vicinity Reg'l Council of Carpenters (the Schaefer Grp., Inc.) & Sidney J. Tompkins, an Individual*, 344 NLRB 366, 368 (2005).

Let me know if an affidavit by (b) (6), (b) (7)(C) or anyone else would be helpful on this. Please also see if the Region will reconsider the 10b issue. Thanks,

David W. M. Fujimoto (he/him/his)

Weinberg, Roger & Rosenfeld
800 Wilshire Blvd., Ste. 1020
Los Angeles, CA 90017
(510) 227-0188 Mobile
(510) 337-1001 ext. 193 Office
(510) 337-1023 Fax

From: David Fujimoto
Sent: Tuesday, December 27, 2022 12:17 PM
To: 'Kagel, Molly' <Molly.Kagel@nlrb.gov>
Cc: 'Cahn, Stephanie' <Stephanie.Cahn@nlrb.gov>
Subject: RE: Europa Auto Imports, Inc., d/b/a Mercedes-Benz of San Diego 21-CA-305794

Hi Molly, will get you an answer shortly—as in today. Thanks,

David W. M. Fujimoto (he/him/his)
Weinberg, Roger & Rosenfeld
800 Wilshire Blvd., Ste. 1020
Los Angeles, CA 90017
(510) 227-0188 Mobile
(510) 337-1001 ext. 193 Office
(510) 337-1023 Fax

From: David Fujimoto
Sent: Wednesday, December 21, 2022 3:27 PM
To: 'Kagel, Molly' <Molly.Kagel@nlrb.gov>
Cc: Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>
Subject: RE: Europa Auto Imports, Inc., d/b/a Mercedes-Benz of San Diego 21-CA-305794

Hi Molly, I am trying to have an answer by tomorrow. I'll keep you guys updated. Thanks

David W. M. Fujimoto (he/him/his)
Weinberg, Roger & Rosenfeld
800 Wilshire Blvd., Ste. 1020
Los Angeles, CA 90017
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(510) 337-1023 Fax

From: Kagel, Molly <Molly.Kagel@nlrb.gov>
Sent: Wednesday, December 21, 2022 3:18 PM
To: David Fujimoto <dfujimoto@unioncounsel.net>
Cc: Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>
Subject: RE: Europa Auto Imports, Inc., d/b/a Mercedes-Benz of San Diego 21-CA-305794

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David,

I'm following up on whether the Union would like to withdraw this case or have it dismissed. Please also email Supervising Attorney Stephanie Cahn who is copied on this email. I will be out until January 3, 2023.

Thanks,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
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Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nrlb.gov
www.nrlb.gov
My pronouns: she/her/hers



From: Kagel, Molly
Sent: Wednesday, December 14, 2022 10:50 AM
To: David Fujimoto <dfujimoto@unioncounsel.net>
Subject: Europa Auto Imports, Inc., d/b/a Mercedes-Benz of San Diego 21-CA-305794

David,

Please give me a call when you can today to discuss the above case. This is the case alleging that the Employer threatened an employee with discipline in retaliation for PCA.

Thanks,

Molly Kagel

Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nrlrb.gov
www.nrlrb.gov

My pronouns: she/her/hers



Case Name: Europa Auto Imports, Inc. dba Mercedes-Benz of San Diego
Case No. 21-CA-305794
Agent: Board Agent THOMAS RIMBACH

CASEHANDLING LOG

[illegible]

From: [Cowen, William B.](#)
To: [Cahn, Stephanie](#); [Pate, William](#)
Cc: [Estudillo, Mara](#); [Carretero, Aide](#)
Subject: RE: FIR.21-CA-305794.FIR.docx/Cat 3 FIR
Date: Friday, December 9, 2022 6:49:46 PM

I approve the dismissal of this charge, absent withdrawal, as recommended.

William B. Cowen
Regional Director
Region 21 | National Labor Relations Board
312 North Spring Street, 10th Floor
Los Angeles, CA 90012
213.634.6417 office
202.520.4933 cell
213.894.2778 fax

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En español: [@NLRBGCes](#)/[@NLRBes](#)

From: Cahn, Stephanie <Stephanie.Cahn@nrlb.gov>
Sent: Friday, December 9, 2022 1:37 PM
To: Cowen, William B. <William.Cowen@nrlb.gov>; Pate, William <William.Pate@nrlb.gov>
Subject: FIR.21-CA-305794.FIR.docx/Cat 3 FIR

I agree with the recommendation (b) (5), (b) (6), (b) (7)(C)

From: [Cowen, William B.](#)
To: [Pate, William](#); [Cahn, Stephanie](#)
Cc: [Estudillo, Mara](#); [Carretero, Aide](#)
Subject: RE: FIR.21-CA-305794-supplemental FIR-Cat 3
Date: Wednesday, January 11, 2023 8:37:20 PM
Attachments: [FIR.21-CA-305794.Recommendation for 10\(b\) 1-11-22.docx](#)

I approve the dismissal of this charge, absent withdrawal, based on 10(b), as recommended.

William B. Cowen
Regional Director
Region 21 | National Labor Relations Board
312 North Spring Street, 10th Floor
Los Angeles, CA 90012
213.634.6417 office
202.520.4933 cell
213.894.2778 fax

Follow us on Twitter: [@NLRBGC](#)/[@NLRB](#)
En español: [@NLRBGCes](#)/[@NLRBes](#)

From: Pate, William <William.Pate@nlrb.gov>
Sent: Wednesday, January 11, 2023 4:47 PM
To: Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>; Cowen, William B. <William.Cowen@nlrb.gov>
Subject: RE: FIR.21-CA-305794-supplemental FIR-Cat 3

I also agree that (b) (5) [REDACTED].

From: Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>
Sent: Wednesday, January 11, 2023 4:21 PM
To: Cowen, William B. <William.Cowen@nlrb.gov>; Pate, William <William.Pate@nlrb.gov>
Subject: FIR.21-CA-305794-supplemental FIR-Cat 3

(b) (5) [REDACTED]

From: [Seidman, Nathan M](#)
To: [Estudillo, Mara](#)
Cc: [Carretero, Aide](#); [Pate, William](#); [Cahn, Stephanie](#)
Subject: Fwd: Europa Auto Imports Inc. dba Mercedes-Benz of San Diego 21-CA-305794 long form dismissal.docx
Date: Wednesday, January 25, 2023 6:39:26 PM
Attachments: [Europa Auto Imports Inc. dba Mercedes-Benz of San Diego 21-CA-305794 long form dismissal.docx](#)

This long-form DIS is approved and ready for processing.

From: Pate, William <William.Pate@nlrb.gov>
Sent: Wednesday, January 25, 2023 3:37 PM
To: Seidman, Nathan M <Nathan.Seidman@nlrb.gov>
Cc: Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>; Estudillo, Mara <Mara.Estudillo@nlrb.gov>; Carretero, Aide <Aide.Carretero@nlrb.gov>
Subject: FW: Europa Auto Imports Inc. dba Mercedes-Benz of San Diego 21-CA-305794 long form dismissal.docx

I recommend (b) (5) of the attached dismissal language.

From: Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>
Sent: Wednesday, January 25, 2023 3:35 PM
To: Pate, William <William.Pate@nlrb.gov>
Cc: Carretero, Aide <Aide.Carretero@nlrb.gov>; Estudillo, Mara <Mara.Estudillo@nlrb.gov>
Subject: Europa Auto Imports Inc. dba Mercedes-Benz of San Diego 21-CA-305794 long form dismissal.docx

I recommend (b) (5) the attached long form dismissal language in 21-CA-305794.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
US Court House, Spring Street
312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Agency Website: www.nlrb.gov
Telephone: (213)894-5200
Fax: (213)894-2778

January 25, 2023

David W. M. Fujimoto, Attorney at Law
Weinberg, Roger & Rosenfeld
dfujimoto@unioncounsel.net

Re: Europa Auto Imports, Inc., d/b/a
Mercedes-Benz of San Diego
Case 21-CA-305794

Dear Mr. Fujimoto:

We have carefully investigated and considered your charge that Europa Auto Imports, Inc., d/b/a Mercedes-Benz of San Diego (the Employer) has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges the Employer violated Section 8(a)(1) of the Act when it threatened an employee with discipline in response to (b) (6) protected concerted activity. Section 10(b) of the Act provides that no complaint shall issue based upon any unfair labor practice occurring more than 6 months prior to the filing of the charge with the Board and the service of a copy of the charge upon the charged party. The investigation revealed that the alleged conduct in question took place outside the period set forth in Section 10(b). Accordingly, the charge in this matter was not timely filed.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me. The main telephone number for the Office of Appeals is (202)273-3760.

January 25, 2023

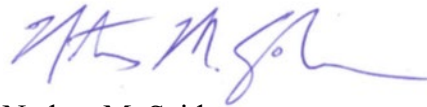
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **February 8, 2023**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than February 7, 2023. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before February 8, 2023**. The request may be filed electronically through the ***E-File Documents*** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after February 8, 2023, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Sincerely,



Nathan M. Seidman
Acting Regional Director

Enclosure

January 25, 2023

cc: John P. Boggs, Attorney at Law
Fine, Boggs & Perkins, LLP
jboggs@employerlawyers.com

Europa Auto Imports, Inc., d/b/a
Mercedes-Benz of San Diego
4750 Kearny Mesa Road
San Diego, CA 92111-2405

Kevin Kucera, Business Representative
International Association of Machinists
and Aerospace Workers Local Lodge No.
kkucera@me.com

NMS/ac

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.
8. If you need to contact the Office of Appeals, please call **(202)273-3760**.